

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KENNETH L. HAYNES and  
DARENDA A. HAYNES,

Plaintiffs,

v.

CASE NO. 08-10358  
HON. LAWRENCE P. ZATKOFF

RYM TECHNOLOGY HOLDINGS, LLC et al.,

Defendants.

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**ORDER TO REMAND IN PART**

Plaintiffs filed their Complaint in the Wayne County Circuit Court on December 7, 2007. Defendants timely removed the action to this Court on January 24, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1441(c). Plaintiffs' Complaint contains the following five counts:

- |           |   |
|-----------|---|
| Count I   | Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961; |
| Count II  | Fraud;  |
| Count III | Consumer Protection Act, Mich. Comp. Laws § 445.901;                  |
| Count IV  | Cancellation of Mortgage and Sheriff's Deed; and                      |
| Count V   | Breach of Contract.   |

The Court has subject matter jurisdiction over Count I because it arises under federal law. *See* 28 U.S.C. § 1331. Counts II through V, however, are based on state law. Defendants cite 28 U.S.C. § 1441 as grounds for removing Plaintiffs' state-law claims; the Court finds, however, that 28 U.S.C. § 1367 is the appropriate provision governing removal of state-law claims in this matter. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. §

1367(a), the Court may decline to exercise supplemental jurisdiction over state-law claims if there are “compelling reasons for declining jurisdiction.” 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiffs’ state-law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiffs’ parallel state claims for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs’ state-law claims (Counts II through V) are REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiffs’ federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 13, 2008.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290